

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**UNION PACIFIC RAILROAD
COMPANY, a Delaware Corporation,**

Plaintiff,

vs.

**STEAMSCENES U.K., a Corporation,
and M. TYACK, an Individual,**

Defendants.

Case No. 8:05CV168

JUDGMENT BY CONSENT

The Plaintiff Union Pacific Railroad Company and the Defendant Michael Tyack have agreed to a settlement of the matters in issue between them and to the entry of Judgment by Consent. (See Proposed Judgment by Consent, Filing No. 11). Based upon their agreement, the Court makes the following findings of fact and conclusions of law:

This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338, and it has jurisdiction over Plaintiff Union Pacific Railroad Company, a Delaware corporation, and the Defendant Michael Tyack, an individual, residing at Paxton Villa, Bakers Hill, Coleford, Gloucestershire, GL16 7QB, United Kingdom.

United States Trademark Registration No. 533,221 for the trademark UNION PACIFIC RAILROAD, United States Trademark Registration No. 2,666,974 for the trademark UNION PACIFIC and Design, and United States Trademark Registration No. 1,230,375 for the trademark UNION PACIFIC and Design (hereafter collectively referred to as "Trademarks" or "Trademark Registrations") are each good and valid in law.

Union Pacific Railroad Company is the owner of each of the Trademark Registrations identified in the immediately preceding paragraph, and of all rights thereto and thereunder, including the goodwill associated therewith.

Defendant Michael Tyack admits he has infringed, although not knowingly or willfully, each of the aforementioned Trademarks as is alleged in the Complaint.

Union Pacific Railroad Company and Michael Tyack agree that Plaintiff will suffer irreparable harm for which monetary damages may be insufficient to fully or adequately

compensate Union Pacific Railroad Company in the event that Defendant Michael Tyack, and any of his agents, servants, employees, independent contractors, and all persons in active concert or participation with him, use the Trademarks for any reason.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant Michael Tyack, his agents, servants, employees, independent contractors and all persons in active concert or participation with him, are hereby permanently enjoined from infringing or contributing to the infringement of the Trademarks;
2. Plaintiff shall be entitled to damages from Defendant, including but not limited to liquidated damages in the amount of Five Hundred Dollars (\$500.00), for each and every use of the Trademarks, alone or in combination with one another, by Defendant Michael Tyack, his agents, servants, employees, independent contractors and all persons in active concert or participation with the Defendant, that occur after entry of this judgment;
3. Defendant Michael Tyack shall deliver up to Plaintiff and destroy all literature, advertising, and products bearing the infringing designations within thirty (30) days from the date of this judgment; and
4. Pursuant to Fed. R. Civ. P. 54(b), there is no reason for delay in entry of this judgment given Plaintiff's and Defendant Tyack's consent to the entry of this judgment, and given Defendant Steamscenes' default in the case.

Let judgment be entered accordingly.

Dated this 5th day of July, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge